

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, December 11, 2001, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

CYNTHIA P. COAD
CHAIR
Fourth District

JAMES W. SILVA
VICE CHAIR
Second District

CHARLES V. SMITH
SUPERVISOR
First District

TODD SPITZER
SUPERVISOR
Third District

THOMAS W. WILSON
SUPERVISOR
Fifth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Michael Schumacher
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Smith, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Spitzer, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Spitzer presented a resolution to Mr. John Sandy for his dedication to Operation Santa Claus

Supervisors Silva and Wilson presented a resolution to Larry Paul

Chair Coad presented a resolution honoring "We Give Thanks Incorporated"

Supervisor Wilson presented a resolution to SoCal Works for "Employment First Emancipation Program"

James F. McConnell, Washington, D.C. Legislative Advocate provided legislative update

Chair Coad introduced the Honorable Jose Luis Dicenta Ballester, Consul General of Spain

Chair Coad presented a resolution honoring "Orange County Community Colleges 100th Anniversary"

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Chair Coad presented a resolution honoring "The California Senior Legislature"

II. CONSENT CALENDAR (Items 1-34)

31254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 7 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE; ITEM 27 WHICH WAS DELETED; AND ITEMS 32 & 33 WHICH RECEIVED A NO VOTE FROM SUPERVISOR SILVA**

BOARD APPOINTMENTS

1. **Supervisor Silva** - Assessment Appeals Hearing Officer - Reappoint Robert Main, Garden Grove, for term ending 9/2/04

Supervisor Wilson:

2. Planning Commission - Appoint Barbara Merriman, Dana Point, for term ending concurrent with 5th District Supervisors term
3. Emergency Medical Care Committee - Appoint Peter F. Bastone, Mission Viejo, for term ending 6/30/03

COMMENDATIONS/PROCLAMATIONS

Supervisor Silva:

4. Adopt resolution recognizing and congratulating Steve Cameron as 2001 President of the Building Industry Association of Southern California, Orange County Chapter
RESO: 01-415
5. Adopt resolution recognizing and congratulating David A. Canzoneri as President of South Coast Apartment Association
RESO: 01-416
6. **Supervisor Spitzer** - Adopt resolution commending Villa Park City Manager, Fred W. Maley, for his dedication and commitment to City of Villa Park
RESO: 01-417
7. **Chair Coad** - Adopt resolution supporting The Orange County Workforce Investment Boards' development of first ever countywide Job and Resource Fair to be held in February 2002
- 41235 **APPROVED AS RECOMMENDED**
RESO: 01-418
8. **Supervisor Silva and Supervisor Wilson** - Adopt resolution commending Larry Paul for his service to the residents of Orange County
RESO: 01-419

INTEGRATED WASTE MANAGEMENT DEPARTMENT

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9. Approve Right of Entry agreement PM 126-28 and Performance and Indemnity agreement PM 126-30 with Capistrano Valley Water District for construction of water connector pipeline along border of Prima Deshecha Landfill; accept consent approval from Southern California Edison Company for power line easement; and make appropriate findings - District 5

ORANGE COUNTY PUBLIC LIBRARY

10. Authorize submission of grant application to and acceptance of grant award from California State Library for Public Staff Education Program, FY 2001-02 (\$15,964) - All Districts
11. Approve consent to assignment of lease with Nahid Hashemi Taheri and Nushin Asgari-Nik for operation of food and beverage concession; Aliso Viejo Branch Library; and make California Environmental Quality Act and other findings - District 5

PLANNING AND DEVELOPMENT SERVICES

12. Approve amended Substitute Irrevocable Offer of Dedication from and Quitclaim to The Irvine Company for 11.18 acres, Newport Coast Community Park; and make California Environmental Quality Act findings - District 5

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

13. Approve plans and specifications and set bid opening for 1/9/02, 2:00 p.m., for construction of access ramps in various county areas; and make California Environmental Quality Act findings - Districts 2, 3 & 4
14. Accept work with Global Road Sealing, Inc. for crack sealing of various streets; project completed 8/17/01 (\$63,511.20) - Districts 1, 2 & 5
15. Accept work with Unified Aircraft Services, Inc. dba Hubbs & Ferrante for construction of Little Sycamore Canyon Staging area, Phase 1A, Laguna Coast Wilderness Park, Laguna Beach; project completed 7/12/01 (\$411,871.40) - District 5
16. Approve agreement D01-118 with Rossmoor Los Alamitos Area Sewer District to adjust sewer manhole lids to grade for asphalt overlay - District 2
17. Select Peyo & Associates, Inc. as primary and EDSA as alternate firms for design of Laguna Royale Stairway and Thousand Step Beach Stairway projects, Laguna Beach; and authorize negotiation of agreement for Board approval - District 5
18. Accept work with A & G Design and Construction for construction of restrooms and maintenance building, Key Ranch Historical Park, Placentia; and assess liquidated damages (\$10,400); project completed 7/31/01 (\$125,000) - District 4
19. Accept work with Banshee Construction Company, Inc. for seismic retrofit of Island Way Bridge over harbor waterway in Dana Point Harbor, Dana Point; project completed 10/15/01 (\$593,700) - District 5

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- 20. Approve change order 2 to agreement D99-108 with Lucas Marine Construction, Inc. for deletion of 17,600 cubic yards of sediment from project scope of work (\$246,400 cost reduction); assess liquidated damages (\$36,500); and accept work and approve notice of completion for Sunset Harbor - Phase II Maintenance Dredging Project; project completed 5/24/01 (\$1,365,500) - District 2
- 21. Accept donation of fossil collection and display cabinets from Brea Olinda Venture, LLC for public exhibit and display, Ralph B. Clark Interpretive Center - District 4
- 22. Accept work with O'Donnell Construction, Inc. for construction of deck joint retrofit of Santa Margarita Parkway Bridge over Arroyo Trabuco, Rancho Santa Margarita; project completed 8/24/01 (\$158,900) - District 5
- 23. Approve addendum IP01-031 to Final EIR 556/Addendum IP00-143 for further environmental analysis of additional grading for utility placement; and amendment 2 to Donation, Conveyance and Implementation Agreement with The Irvine Company to release and relinquish rights for habitat replacement, enhancement and maintenance, Laguna Canyon Road realignment - District 5

Acting as the Orange County Flood Control District:

- 24. Approve amendment 2 to agreement D97-138 with Steinberg & Associates for consultant services and technical assistance, Santa Ana River Mainstem and Prado Dam Projects, extending term to 11/30/02 (\$10,000; new total \$119,850) - All Districts
- 25. Approve agreement with various cities to provide water quality ordinance implementation services; and authorize Director or designee to execute subsequent agreements - All Districts

SOCIAL SERVICES AGENCY

- 26. Approve agreement with New Alternatives, Inc. for provision of family visitation centers for child abuse intervention and treatment services, 1/1/02 - 6/30/02 (\$250,000); and authorize Agency to extend agreement under certain conditions - All Districts

PUBLIC PROTECTION

Sheriff-Coroner:

- 27. Approve amendment 2 to license agreement with Orange County Transportation Authority for use of property, Garden Grove (\$500 per year, retroactively and administrative fee of \$500) - District 1
- 31254 **DELETED**
- 28. Approve price agreement N1000003831 with InTime Solutions, Inc. for support and maintenance of scheduling software, 7/1/01 - 6/30/02 (\$21,754); renewable for two additional years - All Districts
- 29. Select Loring Cruz Design and Consulting as primary and Kishimoto Architects, Inc. as alternate firms for design of Butler Building remodel, James Musick Facility; and authorize negotiation of agreement for Board approval - District 3

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GENERAL ADMINISTRATION

County Executive Office:

30. Adopt resolution reaffirming commitment to policy regarding Equal Employment Opportunity and approve minor revisions; direct staff to disseminate policy to all County employees and to ensure that controls are continued to insure compliance with Policy and Procedure, effective 1/1/02 - All Districts
RESO: 01-420
31. Approve amended price agreement S0000000031 with Express Scripts, Inc. for prescription drug card and mail order program, 1/1/02 - 12/31/02 - All Districts
32. **Supervisor Spitzer** - Approve Community Social Program Grant funds to Hispanic Education Endowment Fund; approve budget adjustments; and make appropriate findings, 12/11/01 - 5/31/02 (\$10,000)
- 31254 **APPROVED AS RECOMMENDED**
N
33. **Chair Coad** - Approve Community Social Program Grant funds to Placentia Library Foundation; approve budget adjustments; and make appropriate findings, 12/11/01 - 5/31/02 (\$5,000)
- 31254 **APPROVED AS RECOMMENDED**
N
34. **Clerk of the Board** - Approve amended price agreement N4000001545 with ARK Technologies, Inc. for software support for Assessment Appeals Tracking System, 1/1/02 - 12/31/02 (\$47,751; new total \$95,502); renewable for one additional year - All Districts

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 35-S50C)

INTEGRATED WASTE MANAGEMENT DEPARTMENT

35. Approve amended agreement with GeoLogic Associates for additional services, Santiago Canyon Landfill Final Closure project (\$286,116; new total \$1,737,539) - District 3

31254 **APPROVED AS RECOMMENDED**

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

36. Select Tetra Tech, Inc. as primary and KFM Engineering, Inc. as alternate firms for design and construction services, Tustin Avenue widening project; and authorize negotiation of agreement for Board approval - Districts 3 & 4

34125 **APPROVED AS RECOMMENDED**

37. Approve cost sharing agreements D01-056 with Huntington Beach, D01-057 with Newport Beach and D01-058 with Surfside Colony Stormwater Protection District for Federal Beach Erosion Control Program, Stage 11 - District 2

23154 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

38. Approve amendment 2 to agreements WCV0300 with MAXIMUS, Inc. for CalWORKs case management and employment support and job retention services, 1/1/02 - 3/31/02 (\$756,221; new total \$21,228,172), WDW0400 with Curtis & Associates, Inc. for CalWORKs employment support and job retention services, 1/1/02 - 3/31/02 (\$534,942; new total \$7,165,121) and WSK0700 with Catholic Charities of Orange County for CalWORKs job services, 1/1/02 - 3/31/02 (\$667,576; new total \$4,458,373); and authorize Agency to extend agreements under certain conditions - All Districts

12354 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

39. **District Attorney** - Second reading and adoption of "An Ordinance of the County of Orange, California, Establishing the Department of Child Support Services" - All Districts (First reading 12/4/01, Item 43)

21354 **APPROVED AS RECOMMENDED**

ORD: 01-015

Probation:

40. Approve agreement with Aspen Community Services for provision of comprehensive employment services for West Orange County Youth and Family Resource Center, 2/1/02 - 1/31/03 (\$251,792); renewable for two additional years - Districts 1 & 2

12354 **APPROVED AS RECOMMENDED**

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- 41 . Approve agreement with Aspen Community Services for provision of comprehensive employment services for Central Orange County Youth and Family Resource Center, 1/1/02 - 12/31/02 (\$257,292); renewable for two additional years - District 1

13254 **APPROVED AS RECOMMENDED**

- 42 . Approve agreement with Aspen Community Services for provision of comprehensive employment services for South Orange County Youth and Family Resource Center, 2/1/02 - 1/31/03 (\$251,792); renewable for two additional years - District 5

52134 **APPROVED AS RECOMMENDED**

- 43 . Approve agreement with Aspen Community Services for provision of comprehensive employment services for Central-South Orange County Youth and Family Resource Center, 1/1/02 - 12/31/02 (\$257,292); renewable for two additional years - Districts 2, 3 & 5

51234 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

- 44 . Receive bids and award contract to DJM Construction, Inc. for construction of Katella Training Facility expansion, Orange (\$6,715,000) - District 3

34125 **APPROVED AS RECOMMENDED**

- 45 . First reading of "An Ordinance of the County of Orange, California, Amending Division 6, Article 1 of Title V, Sections 5-6-1 to 5-6-4 to Authorize Voluntary Certification of Sober Living Facilities"; set second reading and adoption of ordinance for 12/18/01, 9:30 a.m.; and adopt resolution approving Orange County Adult Alcohol and Drug Sober Living Facilities Certification Guidelines - All Districts

14235 **APPROVED AS RECOMMENDED**

RESO: 01-421

GENERAL ADMINISTRATION

County Executive Office:

- 46 . Approve proposed responses to findings 1 - 6, and 8 to FY 2000-01 Grand Jury Report "Only a Few Seconds- Young Children Drown Without A Sound" - All Districts

31254 **APPROVED AS RECOMMENDED**

- 47 . Receive and file International Business Development Report; approve establishment of an Orange County Office of Protocol and International Business Development; and amend master position control - All Districts

12354 **APPROVED AS RECOMMENDED**

- 48 . **Supervisor Smith** - Reconsideration of an Ordinance Authorizing Voluntary Certification of Residential Alcohol and Drug Recovery Facilities (Continued from 8/28/01, Item 49; 10/16/01, Item 81;

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11/06/01, Item 53; 11/20/01, Item 64)

B.O. **DELETED**

49. **Supervisor Spitzer** - Receive status report on 14M Fund Audit from Internal Auditor and discuss for potential Board actions

B.O. **RECEIVED**

EXTERNAL RESTRUCTURING PROGRAM FOR THE COUNTY OF ORANGE

50. At this time Members of the Board of Supervisors and/or the County Executive Office may report on and discuss activities related to the External Restructuring Program for the County of Orange. Approve the following action:

A. Approve agreement with City of Orange regarding proposed annexation of fourteen unincorporated areas. (Continued from 11/20/01, Item 65)

B.O. **CONTINUED TO 1/15/02, 9:30 A.M.**

GENERAL ADMINISTRATION

County Executive Office:

S50A. Approve price agreement N1000004066 with Sloat Higgins Jensen & Associates for Sacramento Legislative Advocacy, 1/1/02 - 12/31/02 with renewal options for two Legislative Sessions, 1/1/03 - 12/31/06 - All Districts (Continued from 12/4/01, Item 46)

21354 **APPROVED AS AMENDED, SELECTED MANATT, PHELPS & PHILLIPS AS**
AN **FIRM TO PROVIDE SACRAMENTO LEGISLATIVE ADVOCACY SERVICES**

S50B. Approve price agreement N1000004038 with Benefits Corp. to administer deferred compensation plan and create a plan for Extra-Help employees; adopt resolution approving amended and restated County of Orange 457, 401 (a) and newly adopted 3121 Plans; and extend '96 fixed fund agreement with National Retirement Solutions to provide fixed investment management services - All Districts

53124 **APPROVED AS RECOMMENDED**

RESO: 01-422

PLANNING AND DEVELOPMENT SERVICES

S50C. Receive and File Code Enforcement Policy Direction Report; and provide policy direction - All Districts

14235 **APPROVED AS RECOMMENDED, SELECTED POLICY OPTION 1**

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IV. PUBLIC HEARINGS (Items 51-52)

51. Public Hearing to consider adopting resolution certifying Final Recirculated EIR 576; adopting resolution amending Foothill/Trabuco Specific Plan; adopting ordinance" An Ordinance of the County of Orange, California, Adopted Pursuant to the State Planning and Zoning Laws, Amending the Foothill/Trabuco Specific Plan" creating Joplin Boys Ranch District; adopting resolution approving Public Facility Master Plan 01-0094; and authorizing Probation to pursue necessary property acquisition for access road - District 3 (Continued from 10/23/01, Item 75; 11/6/01, Item 57; 11/20/01, Item 68)

B.O. CLOSED PUBLIC HEARING

- 34125 APPROVED RECOMMENDED ACTIONS IN ASR (CONTROL 01-000146), DATED OCTOBER 23, 2001, AND ITEMS 1-5, AS MODIFIED BY DECEMBER 10, 2001 MEMO FROM THE DIRECTOR, PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO SUPERVISOR SPITZER, WITH THE FOLLOWING ADDITIONAL CHANGES:
1. CHANGE RESOLUTION APPROVING THE RANCHO POTRERO LEADERSHIP ACADEMY [ASR RECOMMENDED ACTION #2 (ATTACHMENT 6)] TO ADD THE PHRASE "AND FUEL MODIFICATION" SUCH THAT THE CONDITION READS AS FOLLOWS: THE DIRECTOR OF PDSD SHALL TRANSMIT TWO PHOTO SIMULATIONS OF THE VIEW OF THE NEW ACCESS ROAD AND FUEL MODIFICATION TO THE CITY OF RANCHO SANTA MARGARITA FOR REVIEW AND COMMENT AT LEAST FOURTEEN (14) DAYS PRIOR TO THE BOARD OF SUPERVISORS FINAL ACTION ON THE REQUEST FOR CONSTRUCTION BIDS FOR THE SUBJECT PROJECT; AND
2. CHANGE RESOLUTION APPROVING THE RANCHO POTRERO LEADERSHIP ACADEMY [ASR RECOMMENDED ACTION #2 (ATTACHMENT 6)] AS FOLLOWS: DELETE CHANGE # 5 IN THE DECEMBER 11 MEMO AND REPLACE WITH "IN THE EVENT THAT A CALL FOR LAW ENFORCEMENT SERVICES IS REQUESTED FOR RANCHO POTRERO LEADERSHIP ACADEMY, THE UNINCORPORATED CANYON PATROL CAR WILL SERVE AS THE PRIMARY RESPONSE UNIT. IF A BACKUP UNIT IS REQUIRED, THE CLOSEST AVAILABLE SHERIFF'S PATROL UNIT WILL RESPOND. IN THE EVENT THAT A NEIGHBORING CITY DISPATCHES A UNIT FOR ASSISTANCE, AND THAT CITY, IN TURN, INCURS A NEED FOR ADDITIONAL SHERIFF SERVICE, SHERIFF'S EMERGENCY SERVICES DISPATCH WILL SEND THE NECESSARY SERVICE TO THE CITY."

RESO: 01-423 - 01-425

ORD: 01-016

52. Public Hearing to consider adopting resolution denying appeal filed by Newport Coast Committee of 2000 and upholding the Planning Commission's approval of Planning Application PA01-0075 for site development permit; and make California Environmental Quality Act findings - District 5

B.O. DELETED

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V. CLOSED SESSION (Items CS-1-SCS5)

GENERAL ADMINISTRATION

CS-1. **Supervisor Spitzer - PERFORMANCE EVALUATION FOR PUBLIC EMPLOYEES:** Supervisor Spitzer is requesting a closed session pursuant to Government Code Section 54957 to consider evaluation for public employees: Local Redevelopment Authority Executive Director and Local Redevelopment Authority Real Estate Team Manager

B.O. **HELD, NO REPORTABLE ACTION**

CS-2. **Chair Coad - CONFERENCE WITH SHERIFF - THREAT TO PUBLIC SERVICES OR FACILITIES:** Chair Coad is requesting that the Board meet pursuant to Government Code Section 54957

B.O. **HELD, NO REPORTABLE ACTION**

County Counsel:

SCS3. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: Garry v. City of Irvine, San Diego County Superior Court Case No. GIC779128 - All Districts

HELD, NO REPORTABLE ACTION

SCS4. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: El Toro Reuse Planning Authority, et al. v. County of Orange, San Diego County Superior Court Case No. GIC776645 - All Districts

B.O. **HELD, NO REPORTABLE ACTION**

SCS5. CONFERENCE WITH LEGAL COUNSEL-INITIATION OF LITIGATION: County Counsel requests a closed session for the Board of Supervisors to consider initiation of litigation pursuant to Government Code Section 54956.9(c); one case - All Districts

B.O. **HELD, NO REPORTABLE ACTION**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Toni Pinnolis - Oral RE: Imperial Carwash Partnership land property rights issues

BOARD COMMENTS:

Board of Supervisors - Oral RE: Participation in Leadership Retreat in January; Directed CEO to evaluate meeting schedule

ADJOURNED: 3:37 P.M.

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54123 Adjourned in memory of Anna Thompson

*** KEY ***

Left Margin Notes

- 1. v Supervisor Smith
- 2. v Supervisor Silva
- 3. v Supervisor Spitzer
- 4. v Chair Coad
- 5. v Supervisor Wilson

- A. v Abstained
- X. v Excused
- N. v No
- BO v Board Order

Right Margin Notes

- O. v Ordinance
- R. v Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

CYNTHIA P. COAD, CHAIR
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board